

IN RE: PETITION FOR ZONING VARIANCE
E/S Prince George Street, 5' N
of the c/l of Gregory Avenue
(5618 Prince George Street)
1st Election District
2nd Councilmanic District
J. Homer Weidemeyer
Petitioner

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 93-104-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Zoning Variance filed by the legal owner of the subject property, J. Homer Weidemeyer, and the Contract Purchaser, Eric L. Bers, by and through their attorney, Lee Jacobson, Esquire. The Petition as filed seeks relief from Section 1802.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a front yard setback of 10 feet in lieu of the minimum required front average of 30 feet for a proposed two-story dwelling. It should be noted that the Petitioner amended his Petition at the hearing to request a front yard setback of 15 feet in lieu of the minimum required front average of 30 feet.

Appearing at the public hearing on behalf of the Petition was the Contract Purchaser, Eric L. Bers of Pacesetter Homes. Mr. Bers was represented by Lee Jacobson, Esquire. There were no Protestants.

Testimony indicated that the subject property, known as 5618 Prince George Street, consists of 0.410 acres, more or less zoned D.R. 5.5 and is currently unimproved. Said property is located across from the intersection of Prince George Street with Gregory Avenue. It appears that this property is one of the last lots to be developed in this older subdivision. The Petitioners are desirous of developing the property with a two-story dwelling in accordance with Petitioner's Exhibit 1, the plat to

accompany the Petition for Zoning Variance. The proposed building envelope is 26.5' wide by 24.5' deep. Although the lot is significantly large enough (120' wide by 148' deep) to accommodate the proposed dwelling, the property is divided by a stream which runs through the middle of the property as shown on Petitioner's Exhibit 1. Due to the location of this stream on the property and the required 100-year flood plain buffer, the Petitioner cannot place the dwelling in the center or rear of the lot. Therefore, the Petitioner must locate the property on the front portion of the lot and a front yard setback of 30 feet cannot be maintained.

As previously indicated, Mr. Bers amended the Petition at the hearing to provide an additional 5-foot setback in the front yard. As such, a front yard setback of 15 feet will now be maintained. All other setback, distance and height requirements will be observed.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

- 2 -

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variance is not granted. It has been established that site constraints peculiar to this land require the Petitioner to seek relief from the setback regulations. To deny the relief requested would unduly restrict the use of the land for a permitted purpose; namely, residential development. In addition, the variance requested will not cause any injury to the public health, safety or general welfare.

It is clear from the testimony that if the variance is granted, such use, as proposed, will not be contrary to the spirit of the B.C.Z.R. and will not result in any injury to the public good.

Although there were no Protestants at the hearing, the Office of Planning and Zoning submitted a comment in opposition to the Petitioner's request. That comment states that the architectural scheme of the neighborhood will be interrupted if the front yard setback is not observed. Although I am appreciative of these concerns, they are overridden by the existing site conditions on the subject property which clearly impose a practical difficulty on the Petitioner. The location of the stream bank transecting this property justifies the variance. Further, a review of the photographs of the site and surrounding neighborhood convinces me that the granting of the variance, as amended, will not adversely affect the architectural scheme of this community. Therefore, the variance shall be granted.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested, as amended, should be granted.

- 3 -

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 14th day of December, 1992 that the Petition for Zoning Variance requesting relief from Section 1802.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a front yard setback of 15 feet in lieu of the minimum required front average of 30 feet for a proposed two-story dwelling in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restriction:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

Lawrence E. Schmidt
Zoning Commissioner
for Baltimore County

LES:bjs

ORDER RECEIVED FOR FILING
Date 12/14/92
By [Signature]

- 4 -

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

Suite 113 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

December 7, 1992

Lee Jacobson, Esquire
28 Allegheny Avenue, Suite 701
Towson, Maryland 21204

RE: PETITION FOR ZONING VARIANCE
E/S Prince George Street, 5' N of the c/l of Gregory Avenue
(5618 Prince George Street)
1st Election District - 2nd Councilmanic District
J. Homer Weidemeyer - Petitioner
Case No. 93-104-A

Dear Mr. Jacobson:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance has been granted in accordance with the attached order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3351.

Very truly yours,

Lawrence E. Schmidt
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Mr. J. Homer Weidemeyer
7600 Windsor Mill Road, Baltimore, Md. 21244

People's Counsel

File

Petition for Variance
5618 Prince George Street

to the Zoning Commissioner of Baltimore County

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 1802.3.C.1 to allow a front yard setback of 10' in lieu of the required 30' front average.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty)

please see attached sheet

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

Eric L. Bers / Pacesetter Homes
Eric L. Bers / Pacesetter Homes

Address

P.O. Box 841
Ellicott City, MD 21041

City and State

Attorney for Petitioner:

Lee Jacobson

(Type or Print Name)

Address

28 Allegheny Avenue

Towson, MD 21204

City and State

Attorney's Telephone No.: 828-7000

Legal Owner(s):

J. HOMER WEIDEMEYER
J. HOMER WEIDEMEYER

(Type or Print Name)

Signature

7600 Windsor Mill Rd

Baltimore, MD 21244

City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted

Eric L. Bers / Pacesetter Homes

Name

P.O. Box 841

Address

Ellicott City, MD 21041

City and State

Phone No.

828-7000

ESTIMATED LENGTH OF HEARING - 1/2HR. - 1HR.

AVAILABLE FOR HEARING

ALL MON./TUES./WED. - NEXT TWO MONTHS

OTHER

REVIEWED BY: LG DATE 9/24/92

110

Attachment to
Petition for Variance

The current zoning requirement has created a practical difficulty:

1. Strict compliance with a front setback of 25 feet would render the lot as non-buildable. The Baltimore County Department of Public Works now requires a 25-foot setback from the edge of the flood plain. The house has been redesigned to accommodate side and rear setbacks.

2. The owner has been paying property taxes annually on the property as if the lot were buildable. Water and sewer services were installed in the street fronting the house. The road surface is paved. Since Public Works is requiring this setback from the flood plain, this variance request becomes necessary. Denying the variance would be an injustice for the many years that full taxes were paid. The setback from the flood plain would not be an issue if a house had been constructed years earlier. Finally, there are no more lots on the street that are affected by the flood plain setback; all other lots have been built out.

3. Public safety would be maintained if the variance is granted. The street is a dead end street and few vehicles travel to the end. The house is located sufficiently away from the travel edge of the road so the occupants of the home are not placed in any danger.

The lot has become a neighborhood trash receptacle because it is vacant and residents place unwanted debris there. Constructing a house on the lot would improve the appearance of the community. Baltimore County does not need another scattered lot to maintain when such land can and should be put to a productive use.

Prince George Street
Catonsville, MD

Miller-Bowden Associates, Inc.

C. Brooke Miller, R.P.L.S.

Registered Land Surveyors
13054 Tarragon Road
Reisterstown, Maryland 21136
(410) 833-5905 / FAX (410) 833-7409

Cynthia B. Bowden, L.S.

Description of

J. Homer Weidemeyer Property

to accompany

Petition for Variance

#5618 Prince George Street
lots 73 - 78 Catonsville Manor
1st election district Baltimore County, Maryland

September 14, 1992

Beginning for the same on the east right-of-way line of Prince George Street (40' wide) at the distance of 5.0 feet northerly from the centerline intersection of Prince George Street with Gregory Avenue (40' wide), as laid out and shown on Plat No. 4 of Catonsville Manor, dated August 1918, and recorded among the Land Records of Baltimore County, Maryland in Plat Book W.P.C. No. 6 Folio 160, thence running with and binding on said right-of-way, as now surveyed, and referring all bearings of this description to the meridian established by the Baltimore County Metropolitan District,

1) South 42 degrees 23 minutes 42 seconds East 120.00 feet, thence leaving Prince George Street and running to include lots 73 - 78 of said plat the three following courses:

2) North 47 degrees 36 minutes 18 seconds East 149.74 feet, thence

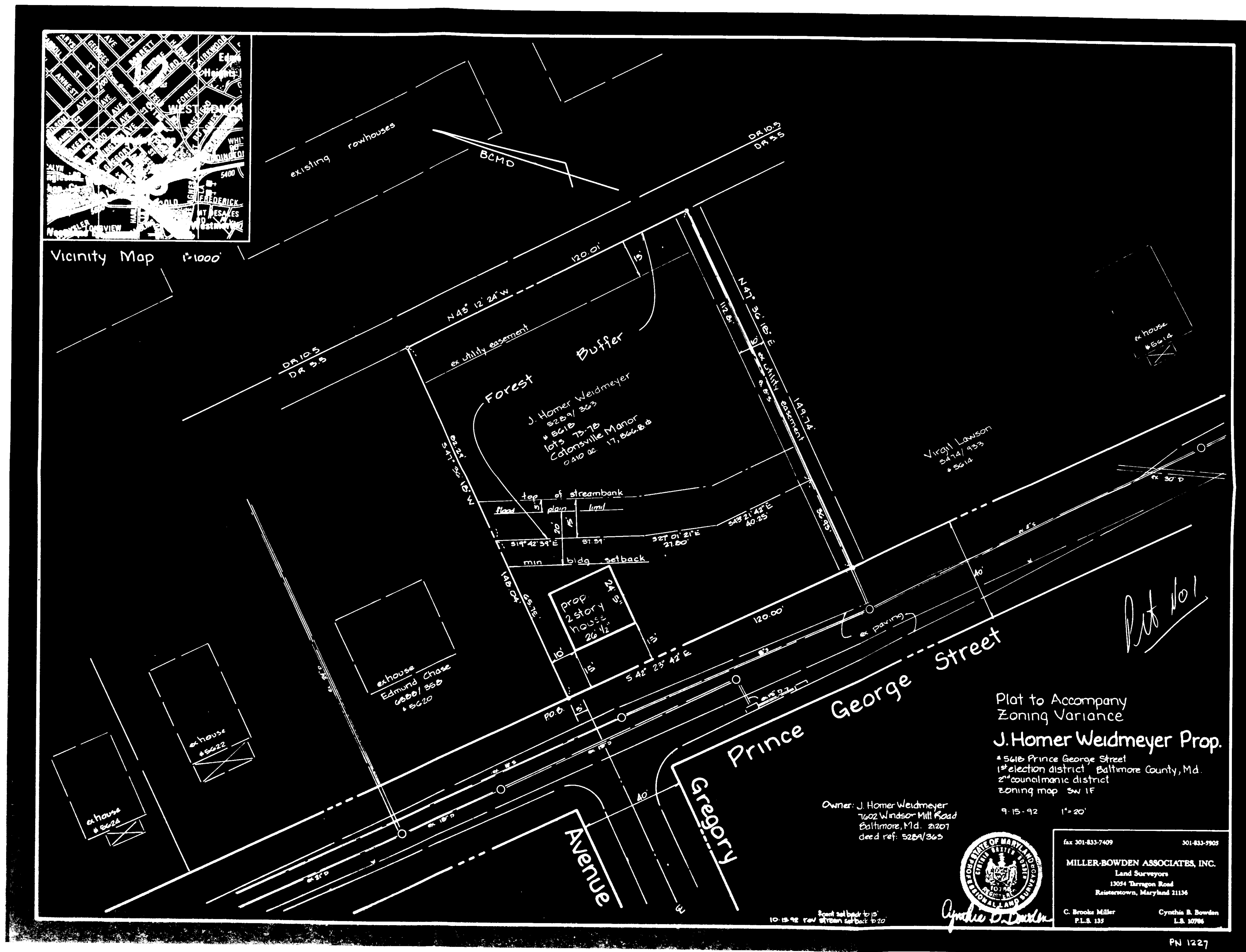
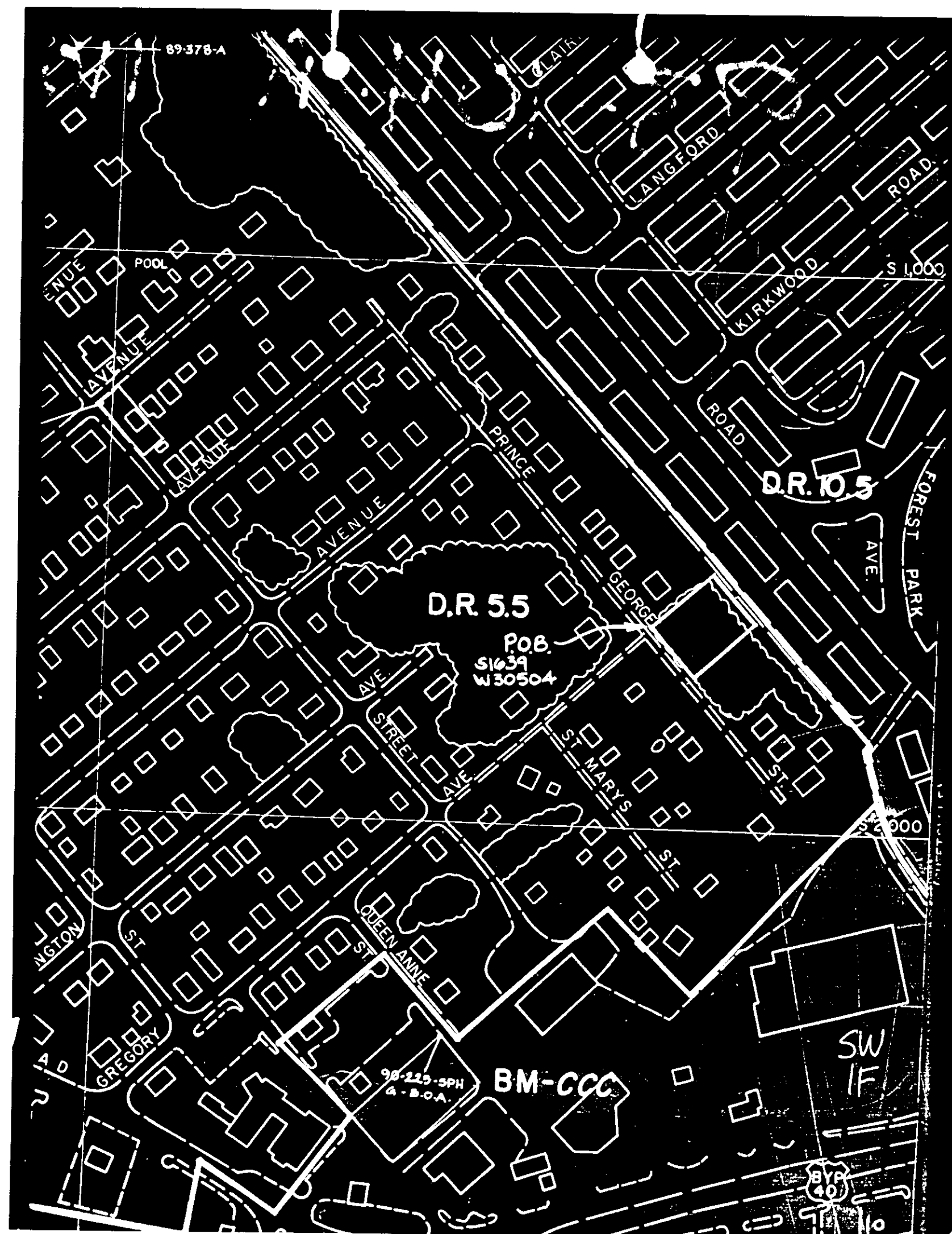
3) North 43 degrees 12 minutes 24 seconds West 120.01 feet, and thence

4) South 47 degrees 36 minutes 18 seconds West 148.04 feet to the beginning.

Containing 17,866.8 square feet, or 0.410 acres, of land, more or less.



ORDER RECEIVED FOR FILING
Date 12/14/92
By [Signature]



CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 137 Date of Posting: 10/10/92

Posted for: Kramer, Weidemeyer & Associates, Inc.

Petitioner: DR. Pina Co. ST. EL, E. W. Chesapeake

Location of property: DR. Pina Co. ST. EL, E. W. Chesapeake

Location of Sign: Front Yard on Property to be Zoned

Remarks:

Posted by: [Signature] Date of return: 10/13/92

Number of Signs: 1

receipt

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

Account: R-01-6150
Number: _____
Date: _____

Please Make Checks Payable To: Baltimore County

Cashier Validation

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue
Towson, MD 21204 (410) 887-3353

DATE: 10/20/92

Postmaster Name
P. O. Box 841
Ellicott City, Maryland 21041

RE:
CASE NUMBER: 93-104-A (Item 110)
6/5 Prince George Street, 5' W of c/l Gregory Avenue
5618 Prince George Street
1st Election District - 2nd Councilmanic
Legal Owner(s): J. Homer Weidemeyer
Contract Purchaser(s): Pocometter Homes
HEARING: THURSDAY, NOVEMBER 5, 1992 at 11:30 a.m. in Rm. 118, Old Courthouse.

Dear Petitioner(s):

Please be advised that \$ 64.33 is due for advertising and posting of the above captioned property and hearing date.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please forward your check via return mail to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 109, Towson, Maryland 21204. Place the case number on the check and make same payable to Baltimore County, Maryland. In order to avoid delay of the issuance of proper credit and/or your order, immediate attention to this matter is suggested.

ARNOLD JARLOW
DIRECTOR
Lee Jacobson, Esq.

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue
Towson, MD 21204 (410) 887-3353

OCT. 01 1992

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 at Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 93-104-A (Item 110)
6/5 Prince George Street, 5' W of c/l Gregory Avenue
5618 Prince George Street
1st Election District - 2nd Councilmanic
Legal Owner(s): J. Homer Weidemeyer
Contract Purchaser(s): Pocometter Homes
HEARING: THURSDAY, NOVEMBER 5, 1992 at 11:30 a.m. in Rm. 118, Old Courthouse.

Variance to allow a front yard setback of 10 feet in lieu of the required 30 foot front average.

[Signature]
Lawrence E. Schriber
Zoning Commissioner of Baltimore County

cc: J. Homer Weidemeyer
Pocometter Homes
Lee Jacobson, Esq.

NOTE: HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.

CERTIFICATE OF PUBLICATION

TOWSON, MD., 10/8, 1992

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 10/8, 1992

THE JEFFERSONIAN,
S. Zeke Orin
Publisher

Case: 93-104-A (Item 110)
6/5 Prince George Street, 5' W of c/l Gregory Avenue
5618 Prince George Street
1st Election District - 2nd Councilmanic
Legal Owner(s): J. Homer Weidemeyer
Contract Purchaser(s): Pocometter Homes
HEARING: THURSDAY, NOVEMBER 5, 1992 at 11:30 a.m. in Rm. 118, Old Courthouse.

Variance to allow a front yard setback of 10 feet in lieu of the required 30 foot front average.

receipt

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

Account: R-01-6150
Number: 10/92 HEARING
Date: _____

Please Make Checks Payable To: Baltimore County

Cashier Validation

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue
Towson, MD 21204 (410) 887-3353

October 20, 1992

Lee Jacobson, Esquire
28 Allegheny Avenue
Towson, MD 21204

RE: Item No. 110, Case No. 93-104-A
Petitioner: J. Homer Weidemeyer
Petition for Variance

Dear Mr. Jacobson:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e. Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by Zoning personnel.

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue
Towson, MD 21204 (410) 887-3353

Your petition has been received and accepted for filing this 24th day of September, 1992.

[Signature]
ARNOLD JARLOW
DIRECTOR

Received By:
W. Carl Richard Jr.
Chairman,
Zoning Plans Advisory Committee

Petitioner: J. Homer Weidemeyer
Petitioner's Attorney: Lee Jacobson

DPW/Developers Engineering Division (Public Services)
Development Review Committee Response Form
Authorized signature: [Signature] Date: 10/13/92

Project Name	Waiver Number	Zoning Issue	Meeting Date
Ronald I. and Gisela J. Canary	109		10-5-92
DED DEPRM RP STP TE			
J. Homer Weidemeyer	110		
DED DEPRM RP STP TE			
Irvin C. Ludloff, Jr.	111		
DED DEPRM RP STP TE			
Emanuel Baptist Church	112		
DED DEPRM RP STP TE			
Jean P. Fraunfelder	113		
DED DEPRM RP STP TE			
Richard J. Januszkiewicz	114		
DED DEPRM RP STP TE			
COUNT 6			
May C. Brewer	107		10/5/92
DED DEPRM RP STP TE			
COUNT 1			
Stonegate at Patapsco (Azreal Property)			6-1-92
ZON DED TE (Waiting for developer to submit plans first)			
COUNT 1			
FINAL TOTALS			
COUNT 8			
*** END OF REPORT ***			

Rec'd 10/14/92

SHA Maryland Department of Transportation
State Highway Administration

O. James Lighthizer
Secretary
Hal Kassoff
Administrator

Ms. Julie Winiarski
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Baltimore County
Item No.: 410 (L36)

Dear Ms. Winiarski:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration projects.

Please contact David Ramsey at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,
David A. Ramsey 10/5/92
John Contestabile, Chief
Engineering Access Permits
Division

RECEIVED
OCT 21 1992
ZONING

Rec'd 10/5/92

My telephone number is _____
Teletypewriter for Impaired Hearing or Speech
383-7555 Baltimore Metro - 585-0451 D.C. Metro - 1-800-492-5082 Statewide Toll Free
707 North Calvert St., Baltimore, Maryland 21203-0717

DDP Traffic Engineer and
Development Review Committee Response Form
Authorized signature *Walter P. K...* Date *10/12/92*

Project Name	Waiver Number	Zoning Issue	Meeting Date
Ronald I. and Gisela J. Canary	109	<i>w/c</i>	10-5-92
J. Homer Weidemeyer	110	<i>N/C</i>	
Irvin C. Ludloff, Jr.	111	<i>N/C</i>	
Emanuel Baptist Church	112	<i>w/c</i>	
Jean P. Fraunfelder	113	<i>w/c</i>	
Richard J. Januszkiewicz	114	<i>N/C</i>	
May C. Brewer	107	<i>w/c</i>	10/5/92

COUNT 1
Stonegate at Patapsco (Acreal Property)
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Redd 10/14/92

Baltimore County Government
Fire Department

700 East Joppa Road, Suite 901
Towson, MD 21204-5500

OCTOBER 19, 1992 (410) 887-4500

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204

RE: Property Owner: J. HOMER WEIDEMEYER
Location: #5618 PRINCE GEORGE STREET
Item No.: 110 (LUG) Zoning Agenda: OCTOBER 5, 1992

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1988 edition prior to occupancy.

REVIEWER: *Carl J. Januszkiewicz*
Planning Group
Special Inspection Division

JP/KEK

Redd 10/14/92

Department of Recreation and Parks
Development Review Committee Response Form
Authorized signature *Walter P. K...* Date *10/12/92*

Project Name	Waiver Number	Zoning Issue	Meeting Date
Ronald I. and Gisela J. Canary	109	<i>No Comment</i>	10-5-92
J. Homer Weidemeyer	110	<i>No Comment</i>	
Irvin C. Ludloff, Jr.	111	<i>No Comment</i>	
Emanuel Baptist Church	112	<i>No Comment</i>	
Jean P. Fraunfelder	113	<i>No Comment</i>	
Richard J. Januszkiewicz	114	<i>No Comment</i>	
May C. Brewer	107	<i>No Comment</i>	10/5/92

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*** END OF REPORT ***

Redd 10/14/92

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration &
Development Management

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

SUBJECT: J. Homer Weidemeyer Property

DATE: October 23, 1992

RECEIVED
- 4 1002
ZONING COMMISSIONER

INFORMATION:
Item Number: 110
Petitioner: J. Homer Weidemeyer
Property Size: 0.410 acres
Zoning: DR 5.5
Requested Action: Variance
Hearing Date: 10/14/92

SUMMARY OF RECOMMENDATIONS:
This petitioner is requesting a variance to allow a front yard setback of 10' in lieu of the required 30' front average.
The Office of Planning and Zoning recommends DENIAL of the petitioner's request.

The Office of Planning and Zoning's area planner visited the site and indicated that granting of the petitioner's request would significantly interrupt the alignment of homes along Prince George Street. All the houses on Prince George Street are setback at least 25' from the edge of the property line. The proposed new home would be situated too close to the street compared to the existing homes on both sides of this street. The community planning division, of the Office of Planning and Zoning, believes that from a neighborhood layout and design perspective that a home this close to the road would be undesirable and a detriment to the neighborhood.

Prepared by: *James Murray*
Division Chief: *Eric L. Hers, P.E.*
EMCD/PM: rdn

BEFORE THE * J. HOMER WEIDEMEYER
BALTIMORE COUNTY * and
ZONING COMMISSIONER * PACESETTER HOMES, INC.
* Petitioners
* CASE NO.: 93-104-A
* * * * *

MEMORANDUM IN SUPPORT

The Petitioners in this matter are represented by Lee R. Jacobson and Jacobson & Myerberg, P.A., 28 Allegheny Avenue, Suite 701, Towson, Maryland 21204.

The facts in this matter are that the Petitioners are the legal owner and contract purchaser of the subject site located in the first election district, second councilmanic district of Baltimore County on the east side of Prince George Street, 5 feet north of the center line of Gregory Avenue the property being known as 5618 Prince George Street. The property facing Prince George Street is zoned DR 5.5. The lot 120 feet wide by approximately 149 feet deep is crossed by a stream creating an irregular shaped building envelope in the front left corner of the property. The Petitioners are desirous of erecting a two story residence consistent with the existing neighborhood architecture. In order to so erect a home within the existing building envelope a variance is needed with respect to the front set back, presently 25 feet.

JACOBSON &
MYERBERG, P.A.
ATTORNEYS AT LAW
28 ALLEGHENY AVENUE
SUITE 701 THE PENTHOUSE
TOWSON, MD 21204
TELEPHONE 828-7090

The variance required for this site is due to the required clearance from the 100 year flood plain as evidenced by correspondence dated January 13, 1992 from Robert E. Covahey, P.E., Chief of Baltimore County's Bureau of Public Services. The need for the front set back variance is created by the practices of Baltimore County in that the remaining building area is impractical to construct any form of modern housing thus requiring a variance of the front set back to permit the property to be used for its intended purpose, a residential building lot.

The Petitioners are entitled to relief in the form of a variance if the evidence complies with the standards set forth in section 307.1 of the Baltimore County Zoning regulations. The issue before the Zoning Commissioner in this case is one of set back from a street right of way. This is clearly an area variance where the burden is to prove practical difficulty. Here the practical difficulty arises out of the inherent problem created on this particular building lot by the relationship of the stream and the public road. This condition creates an appropriate subject for a variance in order to permit the intended use of the land, the development of a residential unit. There is no evidence in the record that would suggest the variance would create any issue of safety or injustice to anyone in the community. In fact, the only detriment created by this variance would be if this request was denied, as then the

JACOBSON &
MYERBERG, P.A.
ATTORNEYS AT LAW
28 ALLEGHENY AVENUE
SUITE 701 THE PENTHOUSE
TOWSON, MD 21204
TELEPHONE 828-7090

Petitioners would lose the right to use their land as permitted by the laws of Baltimore County.

Based upon a reasonable acceptance of the facts and evidence and the proper application of the relative principles of law the relief should be granted.

Respectfully submitted,
Lee R. Jacobson
LEE R. JACOBSON
JACOBSON & MYERBERG, P.A.
Suite 701, The Penthouse
28 Allegheny Avenue
Towson, Maryland 21204
828-7090
Attorney for Petitioners

JACOBSON &
MYERBERG, P.A.
ATTORNEYS AT LAW
28 ALLEGHENY AVENUE
SUITE 701 THE PENTHOUSE
TOWSON, MD 21204
TELEPHONE 828-7090

10/14/92 8:50-82 6/18

g fca


PACESETTER HOMES, INC.
CUSTOMIZED HOMES - AFFORDABLE PRICES
P.O. BOX 841 ELICOTT CITY, MARYLAND 21043
(301) 465-8405

OCT 13 1992

Mr. Lawrence E. Schmidt
Zoning Commissioner
Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning and Zoning
111 West Chesapeake Avenue
Towson, Maryland 21204

RE: **INFORMATION:** Technical Change to Zoning Variance Request
Case Number 93-104-A (Item 110), 5618 Prince George St.
First Election District - Second Councilmanic
Hearing Date: November 5, 1992

Dear Mr. Schmidt:

Please accept this letter as the formal notice to modify the subject variance request.

The variance filed requests a front setback of 10 feet rather than the 30 feet now required by zoning. In the development of the plan, we inadvertently moved the house too close to the front property line. In correcting this error, we find that the front setback should be 15 feet, rather than the 10 feet originally requested in the petition. Thus, the new home will be further away from the property line and the street.

Please make a note of this change. A new plan has been prepared and will be submitted to the County at the formal hearing. No other changes have been made.

RECEIVED
OCT 24 1992
ZONING OFFICE

All The Best,
Eric L. Hers
Eric L. Hers, P.E.
President

93-104-A-105

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: Mr. Arnold Jablon, Director
Zoning Administration and
Development Management

DATE: October 21, 1992

FROM: J. Lawrence Pilson JLP/RLP
Development Coordinator, DEPRM

SUBJECT: Zoning Item #110
5618 Prince George Street
Zoning Advisory Committee Meeting of October 5, 1992

The Department of Environmental Protection and Resource Management offers the following comments on the above referenced zoning item.

Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains.

This project was granted a variance to the above-referenced Regulations. This plan is in accordance with the approved variance.

LP:sp

GEORGE/TXTSP

93-104-A-105

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME	ADDRESS
LEE JACOBSON	25 ALLEGANY TRAIL
Eric L Bers	TOWSON, MD 21204
	3829 Palmetto Court
	Ellicott City, MD 21042

Baltimore County Government
Department of Public Works

111 West Chesapeake Avenue
Towson, MD 21204-4604

January 13, 1992

Pacsetter Homes, Inc.
3829 Palmetto Court
Ellicott City, Maryland 21042

ATTENTION: Mr. Eric Bers

RE: Building Application B109012 NR
5618 Prince Georges Street
District 01

Dear Eric:

The above noted application can not be approved by this Bureau. The required clearance from the 100 year flood plain limits to the nearest point of the proposed dwelling is to be a minimum of twenty (20) feet. Any resubmittal of this plan should show the flood plain limits, existing topography, proposed contours, floor elevations, existing paving width, existing utilities and be sealed by a registered Land Surveyor or Professional Engineer.

If you should have any questions concerning this matter please contact Mr. William Dalley, Bureau of Public Services, on 887-3340.

Very truly yours,
Robert E. Covarey
ROBERT E. COVAREY, P.E., Chief
Bureau of Public Services

REC:WDD:kim

cc: Richard Cox
William Dalley
File

PA No 4

TO WHOM IT MAY CONCERN

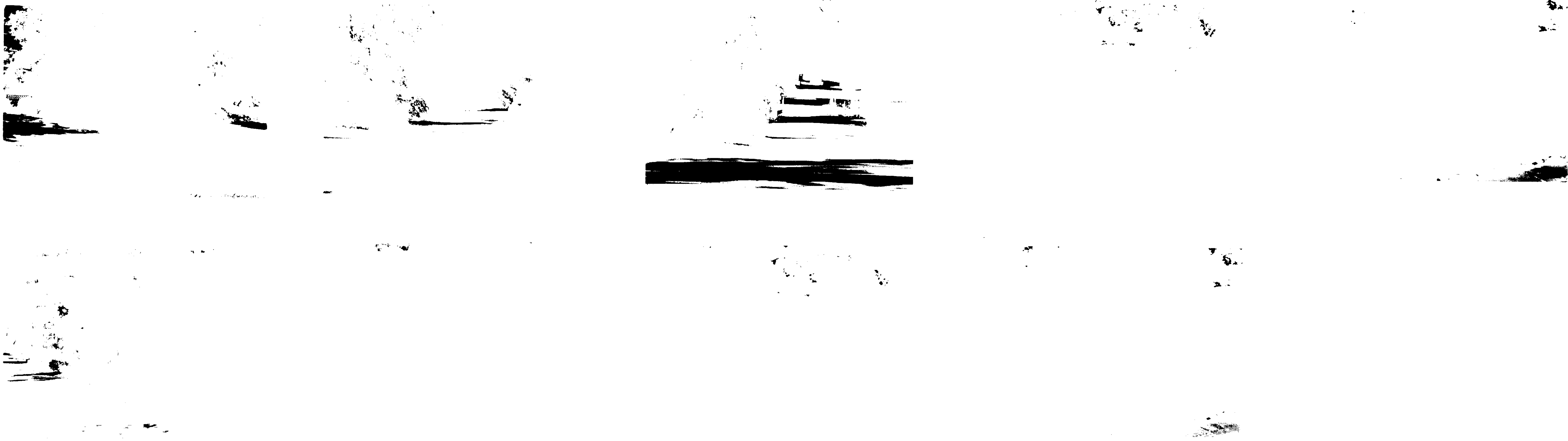
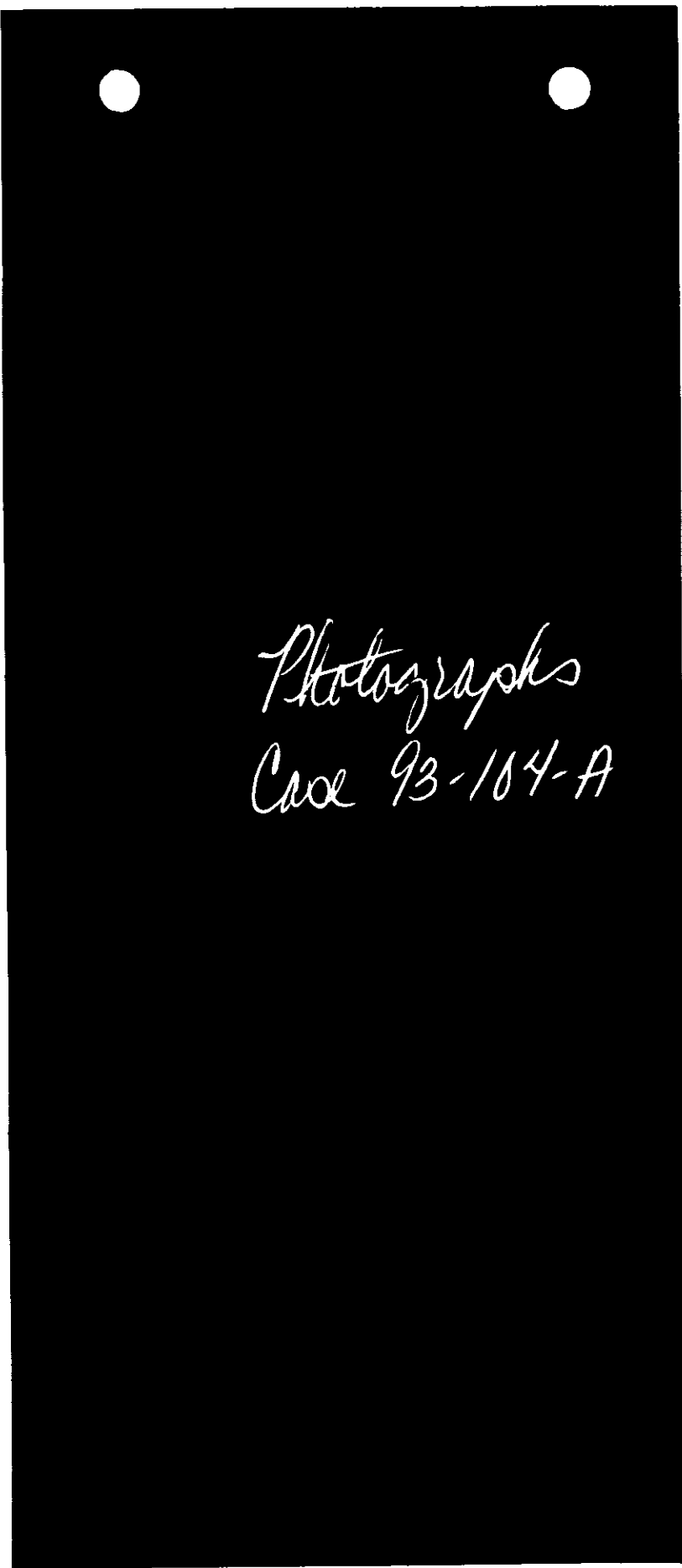
I, J. Homer Weidemeyer, am the legal owner of the property known as 5618 Prince George Street. I am currently 76 years old and have owned this property for over 24 years. At one time, I was going to build a house on the property for my family, however, I never did. Today, I find myself wanting to sell the property since I cannot live there due to health problems. I have been paying property taxes for all of these years and the land has been taxed as buildable property. If I had built my house when I wanted, then I would not be here today. I support the zoning variance request and urge your consent.

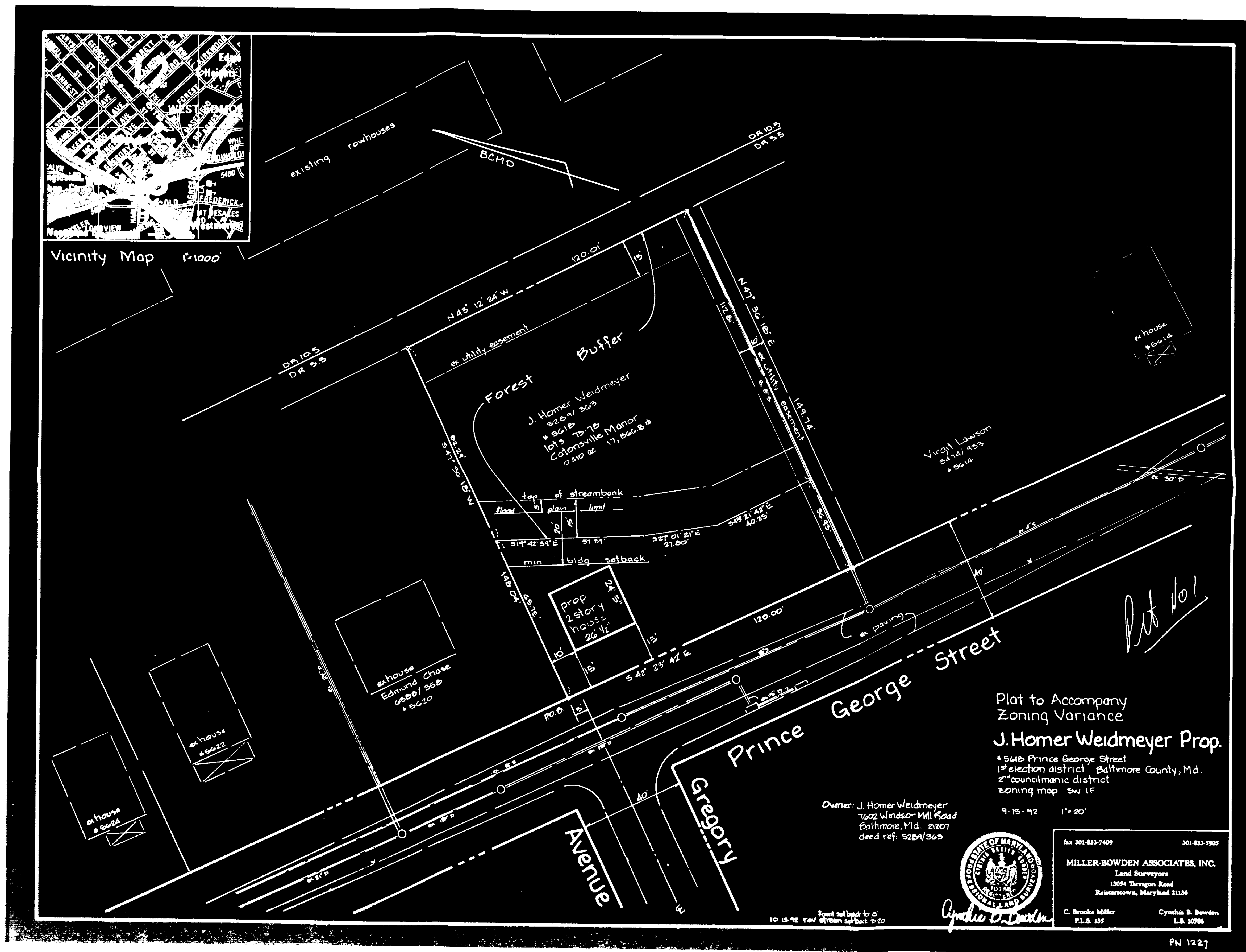
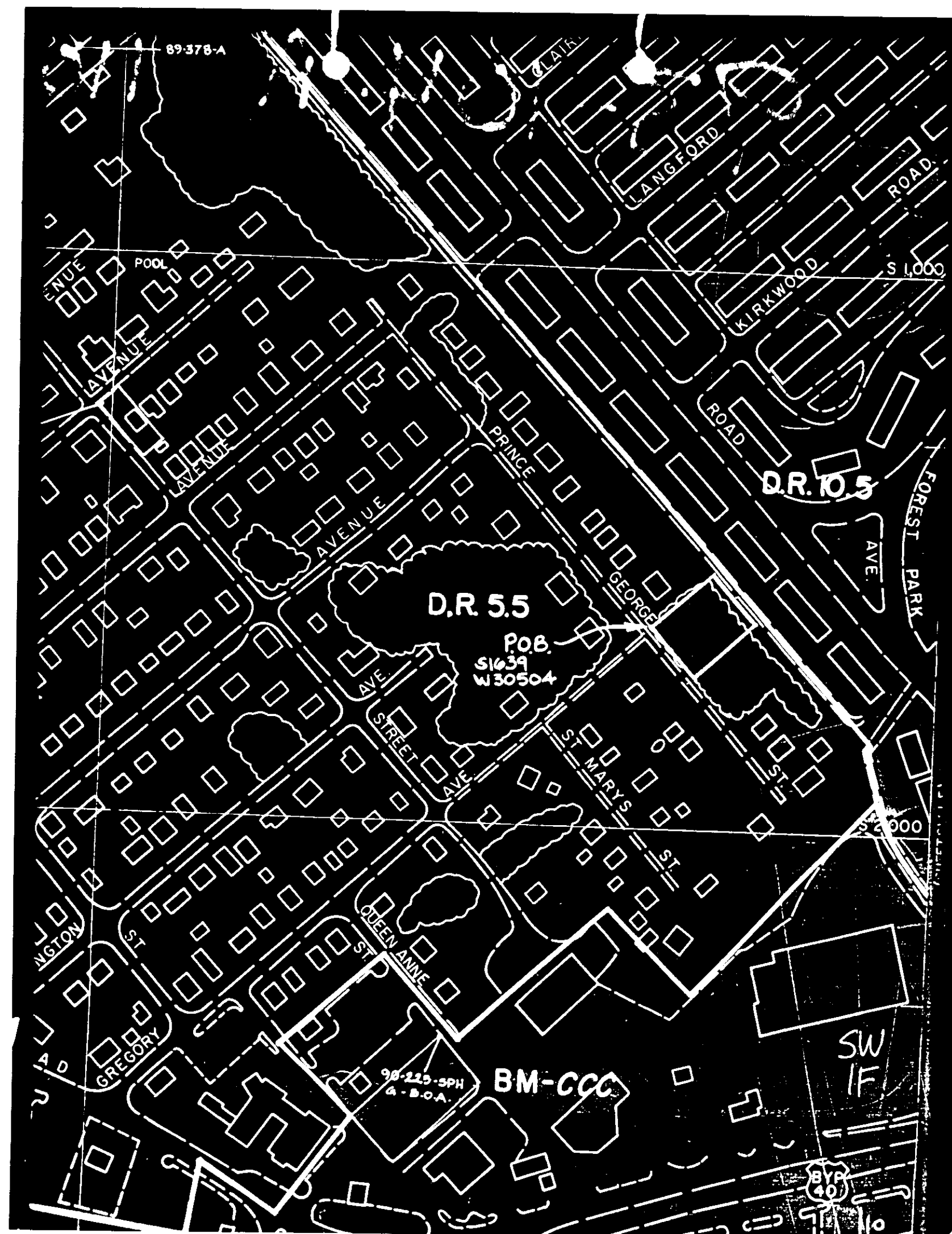
Signed: J. Homer Weidemeyer
J. Homer Weidemeyer

Dated: 10/21/92

Witness: _____

PA No 4





IN RE: PETITION FOR ZONING VARIANCE
E/S Prince George Street, 5' N
of the c/l of Gregory Avenue
(5618 Prince George Street)
1st Election District
2nd Councilmanic District
J. Homer Weidemeyer
Petitioner

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 93-104-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Zoning Variance filed by the legal owner of the subject property, J. Homer Weidemeyer, and the Contract Purchaser, Eric L. Bers, by and through their attorney, Lee Jacobson, Esquire. The Petition as filed seeks relief from Section 1802.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a front yard setback of 10 feet in lieu of the minimum required front average of 30 feet for a proposed two-story dwelling. It should be noted that the Petitioner amended his Petition at the hearing to request a front yard setback of 15 feet in lieu of the minimum required front average of 30 feet.

Appearing at the public hearing on behalf of the Petition was the Contract Purchaser, Eric L. Bers of Pacesetter Homes. Mr. Bers was represented by Lee Jacobson, Esquire. There were no Protestants.

Testimony indicated that the subject property, known as 5618 Prince George Street, consists of 0.410 acres, more or less zoned D.R. 5.5 and is currently unimproved. Said property is located across from the intersection of Prince George Street with Gregory Avenue. It appears that this property is one of the last lots to be developed in this older subdivision. The Petitioners are desirous of developing the property with a two-story dwelling in accordance with Petitioner's Exhibit 1, the plat to

accompany the Petition for Zoning Variance. The proposed building envelope is 26.5' wide by 24.5' deep. Although the lot is significantly large enough (120' wide by 148' deep) to accommodate the proposed dwelling, the property is divided by a stream which runs through the middle of the property as shown on Petitioner's Exhibit 1. Due to the location of this stream on the property and the required 100-year flood plain buffer, the Petitioner cannot place the dwelling in the center or rear of the lot. Therefore, the Petitioner must locate the property on the front portion of the lot and a front yard setback of 30 feet cannot be maintained.

As previously indicated, Mr. Bers amended the Petition at the hearing to provide an additional 5-foot setback in the front yard. As such, a front yard setback of 15 feet will now be maintained. All other setback, distance and height requirements will be observed.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

- 2 -

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variance is not granted. It has been established that site constraints peculiar to this land require the Petitioner to seek relief from the setback regulations. To deny the relief requested would unduly restrict the use of the land for a permitted purpose; namely, residential development. In addition, the variance requested will not cause any injury to the public health, safety or general welfare.

It is clear from the testimony that if the variance is granted, such use, as proposed, will not be contrary to the spirit of the B.C.Z.R. and will not result in any injury to the public good.

Although there were no Protestants at the hearing, the Office of Planning and Zoning submitted a comment in opposition to the Petitioner's request. That comment states that the architectural scheme of the neighborhood will be interrupted if the front yard setback is not observed. Although I am appreciative of these concerns, they are overridden by the existing site conditions on the subject property which clearly impose a practical difficulty on the Petitioner. The location of the stream bank transecting this property justifies the variance. Further, a review of the photographs of the site and surrounding neighborhood convinces me that the granting of the variance, as amended, will not adversely affect the architectural scheme of this community. Therefore, the variance shall be granted.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested, as amended, should be granted.

- 3 -

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 14th day of December, 1992 that the Petition for Zoning Variance requesting relief from Section 1802.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a front yard setback of 15 feet in lieu of the minimum required front average of 30 feet for a proposed two-story dwelling in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restriction:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

LES:bjs

Lawrence E. Schmidt
Zoning Commissioner
for Baltimore County

- 4 -

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

Suite 113 Courthouse
400 Washington Avenue
Towson, MD 21204

December 7, 1992

(410) 887-4386

Lee Jacobson, Esquire
28 Allegheny Avenue, Suite 701
Towson, Maryland 21204

RE: PETITION FOR ZONING VARIANCE
E/S Prince George Street, 5' N of the c/l of Gregory Avenue
(5618 Prince George Street)
1st Election District - 2nd Councilmanic District
J. Homer Weidemeyer - Petitioner
Case No. 93-104-A

Dear Mr. Jacobson:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance has been granted in accordance with the attached order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3351.

Very truly yours,

Lawrence E. Schmidt
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Mr. J. Homer Weidemeyer
7600 Windsor Mill Road, Baltimore, Md. 21244

People's Counsel

File

Petition for Variance

5618 Prince George Street
to the Zoning Commissioner of Baltimore County

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 1802.3.C.1 to allow a front yard setback of 10' in lieu of the required 30' front average.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty)

please see attached sheet

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

Eric L. Bers / Pacesetter Homes
Eric L. Bers / Pacesetter Homes

Address

P.O. Box 841
Ellicott City, MD 21041

City and State

Attorney for Petitioner:

Lee Jacobson

(Type or Print Name)

Address

28 Allegheny Avenue

Towson, MD 21204

City and State

Attorney's Telephone No.: 828-7000

Legal Owner(s):

J. Homer Weidemeyer
J. Homer Weidemeyer

(Type or Print Name)

Signature

7600 Windsor Mill Rd

Baltimore, MD 21244

City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted

Eric L. Bers / Pacesetter Homes

Name

P.O. Box 841

Address

Ellicott City, MD 21041

City and State

Phone No.

828-7000

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING - 1/2HR. - 1HR.

AVAILABLE FOR HEARING

ALL MON./TUES./WED. - NEXT TWO MONTHS

OTHER

REVIEWED BY: LG

DATE 9/24/92

110

Attachment to
Petition for Variance

The current zoning requirement has created a practical difficulty:

1. Strict compliance with a front setback of 25 feet would render the lot as non-buildable. The Baltimore County Department of Public Works now requires a 25-foot setback from the edge of the flood plain. The house has been redesigned to accommodate side and rear setbacks.

2. The owner has been paying property taxes annually on the property as if the lot were buildable. Water and sewer services were installed in the street fronting the house. The road surface is paved. Since Public Works is requiring this setback from the flood plain, this variance request becomes necessary. Denying the variance would be an injustice for the many years that full taxes were paid. The setback from the flood plain would not be an issue if a house had been constructed years earlier. Finally, there are no more lots on the street that are affected by the flood plain setback; all other lots have been built out.

3. Public safety would be maintained if the variance is granted. The street is a dead end street and few vehicles travel to the end. The house is located sufficiently away from the travel edge of the road so the occupants of the home are not placed in any danger.

The lot has become a neighborhood trash receptacle because it is vacant and residents place unwanted debris there. Constructing a house on the lot would improve the appearance of the community. Baltimore County does not need another scattered lot to maintain when such land can and should be put to a productive use.

Miller-Bowden Associates, Inc.

C. Brooke Miller, R.P.L.S.

Registered Land Surveyors
13054 Tarragon Road
Reisterstown, Maryland 21136
(410) 833-5905 / FAX (410) 833-7409

Cynthia B. Bowden, L.S.

Description of

J. Homer Weidemeyer Property

to accompany

Petition for Variance

#5618 Prince George Street
lots 73 - 78 Catonsville Manor
1st election district Baltimore County, Maryland

September 14, 1992

Beginning for the same on the east right-of-way line of Prince George Street (40' wide) at the distance of 5.0 feet northerly from the centerline intersection of Prince George Street with Gregory Avenue (40' wide), as laid out and shown on Plat No. 4 of Catonsville Manor, dated August 1918, and recorded among the Land Records of Baltimore County, Maryland in Plat Book W.P.C. No. 6 Folio 160, thence running with and binding on said right-of-way, as now surveyed, and referring all bearings of this description to the meridian established by the Baltimore County Metropolitan District,

1) South 42 degrees 23 minutes 42 seconds East 120.00 feet, thence leaving Prince George Street and running to include lots 73 - 78 of said plat the three following courses:

2) North 47 degrees 36 minutes 18 seconds East 149.74 feet, thence

3) North 43 degrees 12 minutes 24 seconds West 120.01 feet, and thence

4) South 47 degrees 36 minutes 18 seconds West 148.04 feet to the beginning.

Containing 17,866.8 square feet, or 0.410 acres, of land, more or less.



CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 137 Date of Posting: 10/10/92

Posted for: Kramer, Weidemeyer & Associates, Inc.

Petitioner: DR. Pina Co. ST. EL, E. W. Chesapeake

Location of property: DR. Pina Co. ST. EL, E. W. Chesapeake

Location of Sign: Front Yard on Property to be Zoned

Remarks:

Posted by: [Signature] Date of return: 10/13/92

Number of Signs: 1

receipt

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

Account: R-01-6150
Number: _____
Date: _____

Please Make Checks Payable To: Baltimore County

Cashier Validation

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue
Towson, MD 21204 (410) 887-3353

DATE: 10/20/92

Postmaster Name
P. O. Box 841
Ellicott City, Maryland 21041

RE:
CASE NUMBER: 93-104-A (Item 110)
6/5 Prince George Street, 5' W of c/l Gregory Avenue
5618 Prince George Street
1st Election District - 2nd Councilmanic
Legal Owner(s): J. Homer Weidemeyer
Contract Purchaser(s): Pocometter Homes
HEARING: THURSDAY, NOVEMBER 5, 1992 at 11:30 a.m. in Rm. 118, Old Courthouse.

Dear Petitioner(s):

Please be advised that \$ 64.33 is due for advertising and posting of the above captioned property and hearing date.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please forward your check via return mail to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 109, Towson, Maryland 21204. Place the case number on the check and make same payable to Baltimore County, Maryland. In order to avoid delay of the issuance of proper credit and/or your order, immediate attention to this matter is suggested.

ARNOLD JARLOW
DIRECTOR
Lee Jacobson, Esq.

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue
Towson, MD 21204 (410) 887-3353

OCT. 01 1992

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 at Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 93-104-A (Item 110)
6/5 Prince George Street, 5' W of c/l Gregory Avenue
5618 Prince George Street
1st Election District - 2nd Councilmanic
Legal Owner(s): J. Homer Weidemeyer
Contract Purchaser(s): Pocometter Homes
HEARING: THURSDAY, NOVEMBER 5, 1992 at 11:30 a.m. in Rm. 118, Old Courthouse.

Variance to allow a front yard setback of 10 feet in lieu of the required 30 foot front average.

[Signature]
Lawrence E. Schriber
Zoning Commissioner of Baltimore County

cc: J. Homer Weidemeyer
Pocometter Homes
Lee Jacobson, Esq.

NOTE: HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.

CERTIFICATE OF PUBLICATION

TOWSON, MD., 10/8, 1992

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 10/8, 1992

THE JEFFERSONIAN,
S. Zabe Orin
Publisher

Case: 93-104-A (Item 110)
6/5 Prince George Street, 5' W of c/l Gregory Avenue
5618 Prince George Street
1st Election District - 2nd Councilmanic
Legal Owner(s): J. Homer Weidemeyer
Contract Purchaser(s): Pocometter Homes
HEARING: THURSDAY, NOVEMBER 5, 1992 at 11:30 a.m. in Rm. 118, Old Courthouse.

Variance to allow a front yard setback of 10 feet in lieu of the required 30 foot front average.

receipt

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

Account: R-01-6150
Number: 10/92 HEARING
Date: _____

Please Make Checks Payable To: Baltimore County

Cashier Validation

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue
Towson, MD 21204 (410) 887-3353

October 20, 1992

Lee Jacobson, Esquire
28 Allegheny Avenue
Towson, MD 21204

RE: Item No. 110, Case No. 93-104-A
Petitioner: J. Homer Weidemeyer
Petition for Variance

Dear Mr. Jacobson:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e. Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by Zoning personnel.

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue
Towson, MD 21204 (410) 887-3353

Your petition has been received and accepted for filing this 24th day of September, 1992.

[Signature]
ARNOLD JARLOW
DIRECTOR

Received By:
W. Carl Richard Jr.
Chairman,
Zoning Plans Advisory Committee

Petitioner: J. Homer Weidemeyer
Petitioner's Attorney: Lee Jacobson

DPW/Developers Engineering Division (Public Services)
Development Review Committee Response Form
Authorized signature: [Signature] Date: 10/13/92

Project Name	Waiver Number	Zoning Issue	Meeting Date
Ronald I. and Gisela J. Canary	109		10-5-92
DED DEPRM RP STP TE			
J. Homer Weidemeyer	110		
DED DEPRM RP STP TE			
Irvin C. Ludloff, Jr.	111		
DED DEPRM RP STP TE			
Emanuel Baptist Church	112		
DED DEPRM RP STP TE			
Jean P. Fraunfelder	113		
DED DEPRM RP STP TE			
Richard J. Januszkiewicz	114		
DED DEPRM RP STP TE			
COUNT 6			
May C. Brewer	107		10/5/92
DED DEPRM RP STP TE			
COUNT 1			
Stonegate at Patapsco (Azreal Property)			6-1-92
ZON DED TE (Waiting for developer to submit plans first)			
COUNT 1			
FINAL TOTALS			
COUNT 8			
*** END OF REPORT ***			

Rec'd 10/14/92

SHA Maryland Department of Transportation
State Highway Administration

O. James Lighthizer
Secretary
Hal Kassoff
Administrator

Ms. Julie Winiarski
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Baltimore County
Item No.: 410 (L36)

Dear Ms. Winiarski:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration projects.

Please contact David Ramsey at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,
David A. Ramsey 10/5/92
John Contestabile, Chief
Engineering Access Permits
Division

RECEIVED
OCT 14 1992
ZONING

Rec'd 10/5/92

My telephone number is _____
Teletypewriter for Impaired Hearing or Speech
383-7555 Baltimore Metro - 585-0451 D.C. Metro - 1-800-492-5082 Statewide Toll Free
707 North Calvert St., Baltimore, Maryland 21203-0717

DDP Traffic Engineer and
Development Review Committee Response Form
Authorized signature *Walter R. D. 10* Date *10/12/92*

Project Name	Waiver Number	Zoning Issue	Meeting Date
Ronald I. and Gisela J. Canary	109	<i>w/c</i>	10-5-92
J. Homer Weidemeyer	110	<i>N/C</i>	
Irvin C. Ludloff, Jr.	111	<i>N/C</i>	
Emanuel Baptist Church	112	<i>w/c</i>	
Jean P. Fraunfelder	113	<i>w/c</i>	
Richard J. Januszkiewicz	114	<i>N/C</i>	
May C. Brewer	107	<i>w/c</i>	10/5/92

COUNT 1
Stonegate at Patapsco (Acreal Property)
COUNT 2
TE (waiting for developer to submit plans first)
COUNT 3
Sudbrook Associates
COUNT 4
DEPRM STP TE
COUNT 5
Redd 10/14/92

Baltimore County Government
Fire Department
700 East Joppa Road, Suite 901
Towson, MD 21204-5500
(410) 887-4500
OCTOBER 19, 1992

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204

RE: Property Owner: J. HOMER WEIDEMEYER
Location: #5618 PRINCE GEORGE STREET
Item No.: 110 (LUG) Zoning Agenda: OCTOBER 5, 1992

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1988 edition prior to occupancy.

REVIEWER: *Carl J. ...*
Planning Group
Special Inspection Division

JP/KEK

Redd 10/21/92

Department of Recreation and Parks
Development Review Committee Response Form
Authorized signature *Walter R. D. 10* Date *10/12/92*

Project Name	Waiver Number	Zoning Issue	Meeting Date
Ronald I. and Gisela J. Canary	109	<i>No Comment</i>	10-5-92
J. Homer Weidemeyer	110	<i>No Comment</i>	
Irvin C. Ludloff, Jr.	111	<i>No Comment</i>	
Emanuel Baptist Church	112	<i>No Comment</i>	
Jean P. Fraunfelder	113	<i>No Comment</i>	
Richard J. Januszkiewicz	114	<i>No Comment</i>	
May C. Brewer	107	<i>No Comment</i>	10/5/92

COUNT 1
FINAL TOTALS
COUNT 7
*** END OF REPORT ***
Redd 10/14/92

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE
DATE: October 23, 1992

TO: Arnold Jablon, Director
Zoning Administration &
Development Management

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

SUBJECT: J. Homer Weidemeyer Property

INFORMATION:
Item Number: 110
Petitioner: J. Homer Weidemeyer
Property Size: 0.410 acres
Zoning: DR 5.5
Requested Action: Variance
Hearing Date: 10/1/92

SUMMARY OF RECOMMENDATIONS:
This petitioner is requesting a variance to allow a front yard setback of 10' in lieu of the required 30' front average.
The Office of Planning and Zoning recommends DENIAL of the petitioner's request.

The Office of Planning and Zoning's area planner visited the site and indicated that granting of the petitioner's request would significantly interrupt the alignment of homes along Prince George Street. All the houses on Prince George Street are setback at least 25' from the edge of the property line. The proposed new home would be situated too close to the street compared to the existing homes on both sides of this street. The community planning division, of the Office of Planning and Zoning, believes that from a neighborhood layout and design perspective that a home this close to the road would be undesirable and a detriment to the neighborhood.

Prepared by: *James Murray*
Division Chief: *Eric L. Hers, P.E.*
EMCD/PM: rdn

BEFORE THE * J. HOMER WEIDEMEYER
BALTIMORE COUNTY * and
ZONING COMMISSIONER * PACESETTER HOMES, INC.
* Petitioners
* CASE NO.: 93-104-A
* * * * *

MEMORANDUM IN SUPPORT

The Petitioners in this matter are represented by Lee R. Jacobson and Jacobson & Myerberg, P.A., 28 Allegheny Avenue, Suite 701, Towson, Maryland 21204.

The facts in this matter are that the Petitioners are the legal owner and contract purchaser of the subject site located in the first election district, second councilmanic district of Baltimore County on the east side of Prince George Street, 5 feet north of the center line of Gregory Avenue the property being known as 5618 Prince George Street. The property facing Prince George Street is zoned DR 5.5. The lot 120 feet wide by approximately 149 feet deep is crossed by a stream creating an irregular shaped building envelope in the front left corner of the property. The Petitioners are desirous of erecting a two story residence consistent with the existing neighborhood architecture. In order to so erect a home within the existing building envelope a variance is needed with respect to the front set back, presently 25 feet.

JACOBSON &
MYERBERG, P.A.
ATTORNEYS AT LAW
28 ALLEGHENY AVENUE
SUITE 701 THE PENTHOUSE
TOWSON, MD 21204
TELEPHONE 888-7090

The variance required for this site is due to the required clearance from the 100 year flood plain as evidenced by correspondence dated January 13, 1992 from Robert E. Covahey, P.E., Chief of Baltimore County's Bureau of Public Services. The need for the front set back variance is created by the practices of Baltimore County in that the remaining building area is impractical to construct any form of modern housing thus requiring a variance of the front set back to permit the property to be used for its intended purpose, a residential building lot.

The Petitioners are entitled to relief in the form of a variance if the evidence complies with the standards set forth in section 307.1 of the Baltimore County Zoning regulations. The issue before the Zoning Commissioner in this case is one of set back from a street right of way. This is clearly an area variance where the burden is to prove practical difficulty. Here the practical difficulty arises out of the inherent problem created on this particular building lot by the relationship of the stream and the public road. This condition creates an appropriate subject for a variance in order to permit the intended use of the land, the development of a residential unit. There is no evidence in the record that would suggest the variance would create any issue of safety or injustice to anyone in the community. In fact, the only detriment created by this variance would be if this request was denied, as then the

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Petitioners would lose the right to use their land as permitted by the laws of Baltimore County.

Based upon a reasonable acceptance of the facts and evidence and the proper application of the relative principles of law the relief should be granted.

Respectfully submitted,

Lee R. Jacobson
LEE R. JACOBSON
JACOBSON & MYERBERG, P.A.
Suite 701, The Penthouse
28 Allegheny Avenue
Towson, Maryland 21204
828-7090
Attorney for Petitioners

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TOWSON, MD 21204
TELEPHONE 888-7090

10/14/92 8:50-82 6/18
g fca


PACESETTER HOMES, INC.
CUSTOMIZED HOMES - AFFORDABLE PRICES
P.O. BOX 841 ELKSCOTT CITY, MARYLAND 21043
(301) 465-8405

OCT 13 1992

Mr. Lawrence E. Schmidt
Zoning Commissioner
Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning and Zoning
111 West Chesapeake Avenue
Towson, Maryland 21204


RE: **INFORMATION:** Technical Change to Zoning Variance Request
Case Number 93-104-A (Item 110), 5618 Prince George St.
First Election District - Second Councilmanic
Hearing Date: November 5, 1992

Dear Mr. Schmidt:

Please accept this letter as the formal notice to modify the subject variance request.

The variance filed requests a front setback of 10 feet rather than the 30 feet now required by zoning. In the development of the plan, we inadvertently moved the house too close to the front property line. In correcting this error, we find that the front setback should be 15 feet, rather than the 10 feet originally requested in the petition. Thus, the new home will be further away from the property line and the street.

Please make a note of this change. A new plan has been prepared and will be submitted to the County at the formal hearing. No other changes have been made.


OCT 24 1992
ZONING OFFICE

All The Best,
Eric L. Hers
Eric L. Hers, P.E.
President

93-104-A-105

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: Mr. Arnold Jablon, Director
Zoning Administration and
Development Management

DATE: October 21, 1992

FROM: J. Lawrence Pilson JLP/RLP
Development Coordinator, DEPRM

SUBJECT: Zoning Item #110
5618 Prince George Street
Zoning Advisory Committee Meeting of October 5, 1992

The Department of Environmental Protection and Resource Management offers the following comments on the above referenced zoning item.

Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains.

This project was granted a variance to the above-referenced Regulations. This plan is in accordance with the approved variance.

LP:sp

GEORGE/TXTSP

93-104-A-105

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME	ADDRESS
LEE JACOBSON	25 ALLEGANY TRAIL
Eric L Bers	TOWSON, MD 21204
	3829 Palmetto Court
	Ellicott City, MD 21042

Baltimore County Government
Department of Public Works

111 West Chesapeake Avenue
Towson, MD 21204-4604

January 13, 1992

Pacsetter Homes, Inc.
3829 Palmetto Court
Ellicott City, Maryland 21042

ATTENTION: Mr. Eric Bers

RE: Building Application B109012 NR
5618 Prince Georges Street
District 01

Dear Eric:

The above noted application can not be approved by this Bureau. The required clearance from the 100 year flood plain limits to the nearest point of the proposed dwelling is to be a minimum of twenty (20) feet. Any resubmittal of this plan should show the flood plain limits, existing topography, proposed contours, floor elevations, existing paving width, existing utilities and be sealed by a registered Land Surveyor or Professional Engineer.

If you should have any questions concerning this matter please contact Mr. William Dalley, Bureau of Public Services, on 887-3340.

Very truly yours,
Robert E. Covarey
ROBERT E. COVAREY, P.E., Chief
Bureau of Public Services

REC:WDD:kim

cc: Richard Cox
William Dalley
File

PA No 4

TO WHOM IT MAY CONCERN

I, J. Homer Weidemeyer, am the legal owner of the property known as 5618 Prince George Street. I am currently 76 years old and have owned this property for over 24 years. At one time, I was going to build a house on the property for my family, however, I never did. Today, I find myself wanting to sell the property since I cannot live there due to health problems. I have been paying property taxes for all of these years and the land has been taxed as buildable property. If I had built my house when I wanted, then I would not be here today. I support the zoning variance request and urge your consent.

Signed: J. Homer Weidemeyer
J. Homer Weidemeyer

Dated: 10/21/92

Witness: _____

PA No 4

